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Implementing the Domestic Violence Court Program

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Implementing the Domestic Violence Court Program

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A Common Definition of Domestic Violence for the Domestic Violence Court Program

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship. Intimate relationships include those between the opposite-sex and same-sex partners. These relationships vary in duration and legal formality, and include current and former dating, common-law and married couples.

Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women.

These crimes are often committed in a context where there is a pattern of assaultive and controlling behaviour. This violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets and property. The violence is used to intimidate, humiliate or frighten victims, or to make them powerless. Domestic violence may include a single act of abuse. It may also include a number of acts which may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse.

Criminal Code offences include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property-related offences.

"Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario" — Joint Committee on Domestic Violence, August 1999

Summary of the Victims' Bill of Rights

In Ontario, an *Act Respecting Victims of Crime* (also known as the *Victims' Bill of Rights*) was proclaimed on June 11, 1996. The *Act* supports and recognizes the needs and rights of victims of crime in both the criminal and civil justice system.

The key elements of the *Victims' Bill of Rights* are:

- A set of principles setting out how victims should be treated by officials at different stages of the criminal justice process. The statement of principles specifies that victims should:
 - Be treated with courtesy, compassion and respect for their personal dignity and privacy.
 - Have access to information concerning services and remedies available to victims; be informed about the progress of criminal investigations and prosecutions and the sentencing and interim release of offenders from custody, including release on parole, temporary absence, or escape from custody.
 - Be given the opportunity to be interviewed by police officers and officials of the same gender as the victim, when that victim has been sexually assaulted.
 - Be entitled to have their property returned as promptly as possible by justice system officials, where the property is no longer needed for the purposes of the justice system.
- Informing victims about the conditional release of offenders on temporary absence in provincial institutions.
- Making it easier for victims of crime to sue their assailants in civil actions, including:
 - Creating a presumption of damages for emotional distress against a person convicted of certain crimes (as set out in regulations).
 - A specific presumption that victims of domestic assault, sexual assault or attempted sexual assault have suffered emotional distress.
- Supporting child witnesses by making it easier for children to be witnesses at civil proceedings.
- Specifying that money collected from surcharges on provincial and federal fines is to be credited to the Victims' Justice Fund and be used exclusively to assist victims.

Vision

In Ontario, domestic violence is criminal and will not be viewed as a “private matter”.

Charges of domestic violence are prosecuted swiftly, effectively and consistently, and the safety and needs of victims are a priority from the initial contact with police to the conclusion of the case. Specially trained personnel — police, Crown Attorneys, Victim/Witness Assistance Program staff, probation services staff, Partner Assault Response program staff and community agencies — work together to deliver coordinated services that are tailored to the needs of victims.

Domestic Violence Court Program

Overview

The domestic violence court program is a response to:

- the recommendations of the May/Iles inquest and the Joint Committee on Domestic Violence.
- the Spring 1999 Throne Speech which made a commitment to prosecute crime and support victims.
- the Blueprint commitment for action on domestic violence.
- the 1999 and 2000 Budget announcements to support the expansion of the domestic violence court program.

The goals of the domestic violence court program are to intervene early in the cycle of domestic violence, improve support to victims, and more effectively investigate and prosecute domestic violence cases.

The key to achieving the goals of the domestic violence court program is collaboration and a commitment to make the process work.

The domestic violence court program does not change or affect the rights of the accused - including the right to be presumed innocent until proved guilty beyond a reasonable doubt. It does not alter a Crown Attorney's discretion to assess whether there is a reasonable prospect of conviction and does not alter the functions, powers or impartiality of the judiciary.

How it Works

Designated Crown attorneys will be **jointly responsible** with Victim/Witness Assistance Program staff for implementing the domestic violence court program and to work with police, Partner Assault Response program staff, interpreter agencies, probation staff, and the community to ensure project objectives continue to be met.

A Crown Attorney considers an offender for an **early intervention process** if an offender has no convictions for violence-related offences, has not caused significant injuries or harm, has not used weapons, and chooses to plead guilty. The victim is consulted about an arrangement to refer the offender to a Partner Assault Response program. The offender is required to complete the counselling program to the court's satisfaction. If the offender does not complete the program or re-offends during it, a new charge may be laid.

When an offender does not meet the criteria for the early intervention process or is involved in repeat offences or inflicts serious injury, the focus in the specialized domestic violence court program is on **coordinated prosecution** and victim support. Enhanced evidence gathering by specially trained police improves a Crown Attorney's ability to effectively prosecute the case. A Crown Attorney trained and designated to prosecute domestic violence cases is assigned to the case once the trial date has been set. If the accused is convicted, the Crown Attorney considers asking the court to order the offender to attend a Partner Assault Response program as a condition of a probation order in addition to any other sentence that may be appropriate in the circumstances. The victim receives support and information throughout the court process from Victim/Witness Assistance staff, and the case is dealt with in a timely manner.

Domestic Violence Court Program

List of Court Sites

Large Sites	Medium Sites	Small Sites
Old City Hall (Toronto) *	North Bay *	St. Thomas
North York *	Kingston *	Lindsay
Brampton *	Thunder Bay	Stratford *
Ottawa *	Milton *	Brockville
Whitby *	Brantford	Peterborough
Hamilton *	Cornwall	Perth
London*	Kenora	Bracebridge
Scarborough *	St. Catharines *	Haileybury
Etobicoke *	Welland	Timmins
College Park (Toronto) *	Sault St. Marie	Cobourg
Newmarket *	Belleville *	Woodstock *
Barrie *	Sarnia	Pembroke
Sudbury *	Chatham	L'Orignal *
Kitchener *	Guelph	Orangeville
Windsor *		Simcoe
		Kapuskasing
		Parry Sound
		Owen Sound *
		Napanee
		Picton
		Cayuga
		Goderich
		Fort Francis
		Dryden
		Walkerton
Total Offices: 15	Total Offices: 14	Total Offices: 25

* Sites with DVC Program (or implemented by March 2002)

Remaining sites implemented by 2004.

Implementation

Based on what was learned in the existing domestic violence court sites, the following are considered to be essential components of the domestic violence court program:

- active local community coordination
- interpreter services to give victims linguistic access to services
- police services to develop and maintain procedures for undertaking and managing investigations into domestic violence that address enhanced investigative procedures
- designated Victim/Witness Assistance Program staff specially trained to give support and information to victims in domestic violence cases
- designated Crown Attorneys specially trained to prosecute and to provide consistency and continuity to domestic violence cases
- specialized counselling programs for persons found guilty of domestic violence offences and support for their victims
- specialized processing of cases to ensure that cases are appropriately handled and fast-tracked, whether the accused pleads guilty or proceeds to trial
- service in French of comparable quality to service in English in all aspects of the DVC initiatives in the 23 designated regions of the province

Implementation of domestic violence court program varies depending on the volume of cases, size and characteristics of the community.

In large volume sites, the volume of cases warrants a dedicated DVC program.

For example:

- In Ottawa, with judicial cooperation, domestic violence cases are scheduled on Tuesdays, Wednesdays, and Thursdays in a designated courtroom. Crowns are able to follow cases through to final disposition. Cases are presented in an efficient fashion that makes effective use of court time.
- In Hamilton, with judicial cooperation, domestic violence cases are scheduled in a courtroom with the designation done on a rotational basis. Domestic violence cases are scheduled into one courtroom for a fixed term (e.g. one month). At the end of the rotation, domestic violence cases are scheduled in another courtroom.

- At Old City Hall (Toronto), with judicial cooperation, domestic violence cases are scheduled exclusively in one courtroom (K-court).

In medium volume sites, a DVC program may operate on a part-time basis to accommodate the lower charge volume.

Small sites, and rural, remote and northern areas have lower populations but larger geographical areas, which present unique problems unlike large or medium sites with concentrated urban areas. Therefore, access to services and isolation are issues that require a local approach to establish the early intervention and the coordinated prosecution processes.

Examples of local approaches are:

- The L'Orignal approach of fast-tracking domestic violence cases which involves the coordination and support of justice partners (police, Crown, and Legal Aid) and the judiciary.
- Goderich, where a proactive local coordinating committee (like the DART model in Duluth) regularly reviews domestic violence cases and focuses on victim safety and coordination of information and services.
- Other sites that “red-flag” the domestic violence cases, ensuring that timely information and support are provided to victims from the time of the accused’s arrest to final disposition.

Status

Since 1996, the government has committed to expand the domestic violence court program to all 55 court sites by 2004.

Operational DVC Sites

Barrie, Brampton, Hamilton, Kitchener, London, North Bay, Ottawa, Oshawa, Sudbury, Windsor and in 5 Toronto locations (College Park, Etobicoke, North York, Old City Hall and Scarborough).

Ready by December 31, 2001

Newmarket

Ready by March 31, 2002

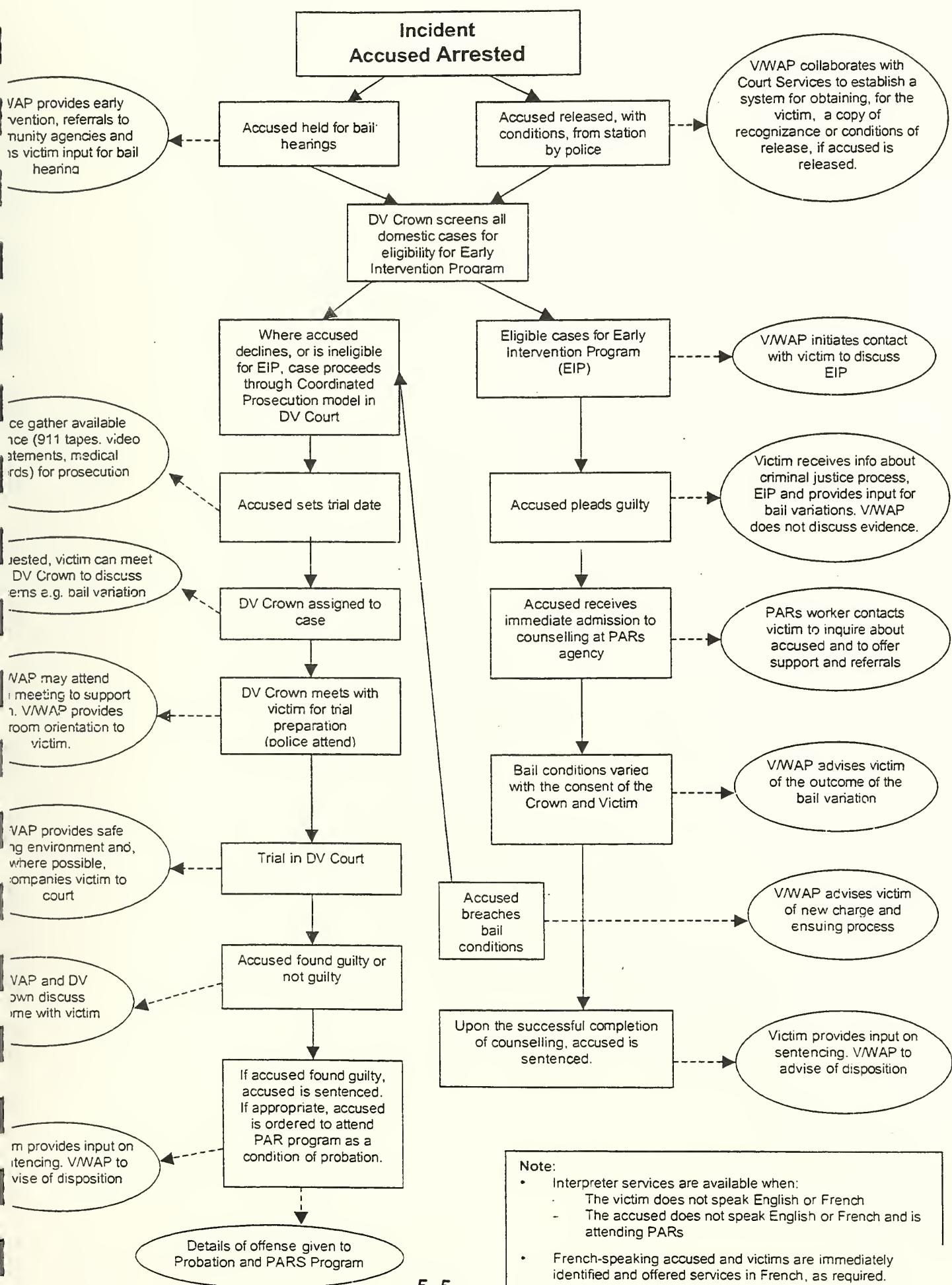
Belleville, Kingston, L'Orignal, Halton, Owen Sound, St. Catharines, Stratford and Woodstock.

Ready by 2004

Brantford, Bracebridge, Brockville, Cayuga, Chatham, Cobourg, Cornwall, Dryden, Fort Frances, Goderich, Gore Bay, Guelph, Haileybury, Kapuskasing, Kenora, Lindsay, Napanee, Orangeville, Parry Sound, Pembroke, Perth, Peterborough, Picton, Sarnia, Sault Ste. Marie, Simcoe, St. Thomas, Thunder Bay, Timmins, Walkerton, and Welland.

Domestic Violence Court Program

Flow Chart



Roles of Justice Stakeholders

- A. Domestic Violence Court Advisory Committee**
- B. Crown Attorney**
- C. Victim/Witness Assistance Program**
- D. Court Services**
- E. Police**
- F. Partner Assault Response Programs**
- G. Interpreter Services**
- H. Probation and Parole Services**

Role of Domestic Violence Court Advisory Committee (DVCAC)

Role

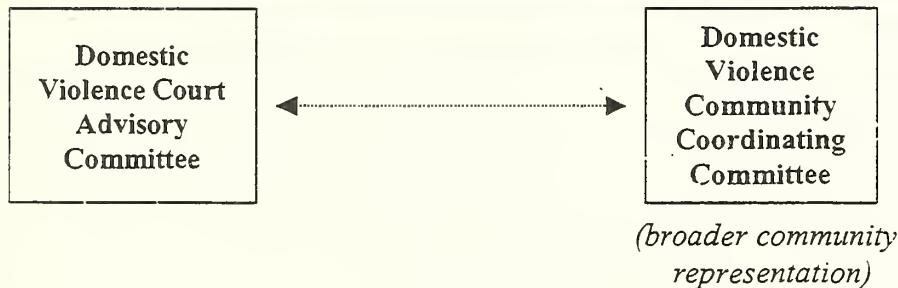
- Facilitate the effective implementation and ongoing effective operation of the domestic violence court (DVC) program.
- Coordinate justice and related support services for victims of domestic violence.
- Ensure respect for the victim in the justice system.
- Focus on victim safety and offender accountability in the domestic violence court program.
- Provide a mechanism for information-sharing, process review and problem-solving with specific emphasis on the implementation and effective operation of the DVC program.
- Promote a coordinated, effective justice response to domestic violence cases within the broader community by maintaining intersectoral links to other community sectors that may or may not provide direct services within a justice context.

Strategies for Working Together

- Establish and commit to written terms of reference for the DVC Advisory Committee (see sample, Section 7A).
- Establish and commit to written protocols for the DVC program that address the roles and responsibilities of member organizations relating to the DVC program. Protocols should include the requirement to make the program available in both official languages where applicable.
- Members will ensure they have the authority to make recommendations, develop policies and make decisions on behalf of the organizations or agencies they represent in their capacity as members.

- Members will:
 - Attend and actively participate in the committee's work, as appropriate, or send an alternate if unavailable.
 - Abide by the terms of reference.
 - Conduct committee business within the context of common goals or purposes.
 - Represent his or her sector's mandate or interests on the committee.
 - Ensure that the required actions are undertaken to the extent that his or her portfolio allows.
 - Provide the committee with any information pertaining to its operations to facilitate a coordinated justice response (subject to statutory limitations).

Please Note



- Not a subcommittee of the broader Community Coordinating Committee, although membership may overlap.
- Not intended to duplicate the work of pre-existing local committees. However, ultimate responsibility for implementation and ongoing operation of the domestic violence court program rests with the Crown Attorney, and Victim/Witness Assistance Program staff. Existing committees may have to be reconstituted, or a separate Domestic Violence Court Advisory Committee may be formed.

Note: Large DVC sites have established a separate DVC Advisory Committee apart from the Local Coordinating Committee involving the key stakeholders responsible for the implementation process. In medium and small DVC sites, where membership on the local coordinating committee may not be as high, a separate DVC Advisory Committee may not be necessary. Implementation issues might be discussed as part of the Coordinating Committee structure.

Role of Crown Attorney

Role

- Prepare and prosecute domestic violence cases effectively using all available and relevant evidence.
- Jointly responsible with the Victim/Witness Assistance Program and other justice stakeholders for implementing the domestic violence court process.
- Work with and advise police on issues of investigation and evidence-gathering for the prosecution of domestic violence cases.
- Inform and seek input from victims on matters relating to the prosecution. Prepare victims and witnesses for court.
- Dedicate a team of specially trained domestic violence Crowns to the domestic violence court program.
- Implement a Crown case management system that covers all criminal cases to ensure that all domestic violence cases are included in the specialized process. Bilingual cases should be flagged as such to ensure no process delays or service delivery gaps occur.
- Institute an early intervention process for dealing with early guilty pleas, including a process for dealing with breaches in a timely and responsive manner.
- Institute a coordinated prosecution process for dealing with other domestic violence cases that proceed to trial or result in a plea.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program. This will serve to better coordinate services to victims and keep community partners informed.

- Maintain open dialogue with community agencies to build mutual understanding.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- While the input of the victim, other justice partners and community partners is valuable, there are matters where the ultimate discretion belongs to the Crown, particularly relating to the prosecution of the case (for example, deciding whether to proceed with a case based on whether there is a reasonable prospect of conviction and it is in the public interest).
- While the Crown may introduce all available and relevant evidence, the standard of proof for all criminal cases is to establish beyond a reasonable doubt that the accused person is guilty. This determination is made by the judge.

Role of Victim/Witness Assistance Program

Role

- Jointly responsible with the Crown Attorney or his or her designate for implementing the domestic violence court program.
- Establish early contact and guide victims through the court process.
- Provide information, safety planning, community referrals, advocacy, and emotional support to enhance victims'/witnesses' understanding of and participation in the court process.
- Inform and seek input from victims throughout the court process. Prepare victims and witnesses for court in cooperation with the Crown Attorney.
- Make reasonable efforts to contact the victim by telephone as soon as possible after a charge has been laid, recognizing the need for sensitivity with regard to issues of confidentiality and the victim's safety. In designated areas of the province, ensure Victim/Witness Assistance Program services are available in French.
- Where the victim has not been contacted by telephone, send a letter of introduction to the victim.
- The domestic violence Crown Attorney should be kept informed about relevant victim issues and concerns.
- Discuss and address the victim's immediate safety concerns, and refer them to an appropriate community agency for a comprehensive safety plan. Maintain an inventory of French language resources in order to assist French-speaking victims.
- Assess the victim's needs for referrals to community agencies or other support services and provide appropriate referrals.
- Assess the victim's needs for interpreter services and/or arrange to accommodate special requirements.
- Provide the victim with information on the criminal justice process and case specific information.
- Provide emotional support and respond to the victim's concerns.

- Refer the victim to the investigating officer or a domestic violence Crown Attorney for inquiries regarding evidence.
- Advocate on behalf of the victim with the Crown Attorney and police within the limits of Ministry of the Attorney General policies.
- Collaborate with Crown Attorneys to seek victim input at various stages (for example bail hearings, bail reviews, bail variations, guilty pleas and sentencing hearings)
- Prepare victims for trial by providing courtroom orientation, and if possible, attending Crown/victims meetings with the domestic violence Crown and investigating officer.
- Accompany victims to trial when required, and/or coordinate with police and the Crown Attorney to create a system to notify victims of the outcome of a trial, bail hearing, guilty plea, etc.
- Notify victims of sentencing hearings and obtain victim input.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program. This will serve to better coordinate services to victims and keep community partners informed.
- Maintain open dialogue with community agencies to build mutual understanding.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- Victim/Witness Assistance Program staff do not discuss evidence with victims/witnesses. Victims/witnesses who wish to discuss their evidence will be referred to the police or to the Crown Attorney.

Role of Court Services

Role

- Provide court services input and support to the Crown Attorney's Office and the Victim/Witness Assistance Program in the development of domestic violence court processes.
- Provide support to the judiciary in the administration of the courts.
- Provide administrative services relating to court cases, including:
 - Preparing, processing and storing court documents, exhibits and transcripts.
 - Tracking case status and outcomes.
 - Preparing court orders for judicial officer's signature.
 - Scheduling case hearings under the direction of the judiciary.
 - Providing court facilities and courtroom staff, including court interpreters.
 - Properly identifying and processing bilingual cases.
- Provide copies of court orders and recognizance/conditions of release to Victim/Witness Assistance Program staff at the earliest opportunity for conveyance to victims.
- Facilitate the exchange of information for the Bail Program through protocols and procedures.
- Share relevant information on court procedures and specific facility needs with justice partners.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program.

Please Note

- The DVC program does not require additional courtrooms to be created; however, a reconfiguration of the court scheduling to permit consolidation of domestic violence-related cases on the court plan is recommended. Judicial consent is required for any changes in this regard.

Role of Police

Role

Overview

- Investigate occurrences and gather evidence.
- Ensure thorough investigation and preparation of cases.
- Lay charge(s) where the officer has reasonable grounds to believe an offence has been committed.
- Decide whether to release (with or without conditions) or to hold for bail hearing before justice.
- Provide all information to the Crown Attorney for prosecution of charge(s) from the bail hearing to sentencing.
- Notify witnesses when to attend court.
- Testify at court hearings.
- Provide assistance to victims of domestic violence based on the police service's local procedures.
- Refer victims to services.

Model Police Response to Domestic Violence

The “Model Police Response to Domestic Violence” consists of four guidelines for police services: domestic violence occurrences; bail and violent crime; criminal harassment; and preventing and responding to occurrences involving firearms. Police services should:

- Implement one of four models for overseeing domestic violence investigations, and should implement enhanced investigative procedures for evidence gathering and interviewing.
- Follow the guidelines on domestic violence occurrences on:
 - Communications and dispatch.
 - Initial response.
 - Follow up.
 - Mandatory charge policies.

- Linkages to procedures on bail.
- Criminal harassment and firearms.
- The use of the Domestic Violence Supplementary Report Form.
- Children at risk.
- High risk and repeat offenders.
- Occurrences involving members of the police service.
- Victim assistance.
- Monitoring and supervision.
- Ministry accredited training.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program. This will serve to better coordinate services to victims and keep community partners informed.
- Maintain open dialogue with community agencies to build mutual understanding.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- A police officer must have evidence and reasonable grounds to believe an offence has been committed in order to lay a charge.
- Once a charge is laid, only a Crown Attorney — not a police officer — can withdraw the charge, and only in limited circumstances.

Role of Partner Assault Response Programs

Role

Overview

- Partner Assault Response programs associated with a domestic violence court program are funded and administered by the Ministry of the Attorney General and are delivered by community-based agencies.
- Provide specialized 16-week group, counselling/educational intervention programs for people who have abused their partners.
- Provide clients with an opportunity to examine the beliefs and attitudes that they have used to justify the abuse, to learn non-abusive ways of resolving conflict, and challenge clients to develop expectations about their relationships that are based on respect, autonomy and equality.
- Maintain contact with the partner while the client is in the program to improve the victim's safety by providing outreach and support, assistance with safety planning, referrals to other community resources, and information about the Partner Assault Response program, including feedback on the offender's compliance with the program.
- Maintain links with criminal justice partners while the client is in the program. This includes informing probation officers and/or the court of missed appointments, providing ongoing information on the client's status with the program, and being available as a witness if a client is breached for non-completion of the program.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program. This will serve to better coordinate services to victims and keep community partners informed.

- Maintain open dialogue with community agencies to build mutual understanding.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- Satisfactory completion of a PAR program is based on attendance at a minimum of 13/16 sessions, full, active participation in the program, and completion of all homework assignments. It should be noted however, that a positive response while participating in group sessions may, or may not, correspond with behaviour demonstrated toward partners or former partners outside of the group sessions.

Systemic accountability is demonstrated when participants that do not participate fully in the program are reported to the probation officer in the coordinated prosecution process (Fail to Comply probation) and to the Crown/police in the early intervention process (Fail to Comply recognizance). Thus, offenders are held accountable and face systemic consequences for violating court orders or for failing to follow the rules of the program.

- Programs cannot state with any certainty that a client has accepted responsibility and will never be abusive again. PAR program staff explain this limitation to the partner and the community at large, so as not to foster any unrealistic expectations concerning the outcome of participation by an offender in a PAR program.
- PAR programs are not anger management programs. Abusive partners use violence to exert power and control over their victims. The control can take many forms, including psychological, financial and physical, and the abuse can be both verbal and physical. Anger management programs do not address the purposeful exercise of power and control over victims. As well, anger management programs do not contact and provide outreach to the victim, which is an integral part to the domestic violence court PAR programming.
- As with all counselling, success depends on the motivation of the individual offender to accept responsibility. Additionally, the success of any intervention with abusers depends not only on the PAR program, but on a coordinated criminal justice and community response in which all partners work together to enhance victim safety and increase offender accountability.

- The PAR program requires at a minimum a copy of the bail conditions and a copy of the police occurrence report for all offenders referred through the early intervention process. Clear protocols must be established specifying who is responsible for providing this information.
- The PAR program requires a copy of the police occurrence report, a copy of the probation order and a copy of the probation RIF (Referral Intake Form) for every client referred through the Coordinated Prosecution stream. Ideally, this information should be provided **before** the intake/assessment interview.
- When a client is discharged from the PAR program prior to completion, the appropriate criminal justice partner should inform PAR program staff what enforcement action was taken as a result of the client's failure to complete the program.

Role of Interpreters

Role

- Interpret messages transmitted between victims of domestic violence who do not speak English and service providers. Service providers include the police, Victim Witness Assistance Program staff, Crown Attorneys, Probation and Parole officers, hospital staff, and PARs workers.
- Provide language interpretation services to the following:
 - Police in relation to victim contact.
 - Crowns in relation to victim contact.
 - V/WAP in relation to victim contact.
 - PARs in relation to victim contact and offender participation in the Partner Assault Response program group.
 - Hospital-based domestic violence pilot projects in relation to victim contact.
 - Probation and Parole in relation to victim contact.
 - Sexual Assault Treatment Centres in relation to victim contact.

Domestic Violence Court Advisory Committee

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court process. This will serve to better coordinate services to victims and keep community partners informed.
- Maintain open dialogue with community agencies to build mutual understanding.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- The interpreters are not experts on various cultures and do not provide "cultural" explanations.
- The interpreter will not disclose any information unless he or she has the approval of all parties or when required by law.
- Interpreters are not trained to assess a person's credibility.
- Interpreters do not provide direct emotional support to victims.
- Services are currently available in the following languages: Amharic, Arabic, Cambodian-Khmer, Cantonese, Farsi, Greek, Hindi, Korean, Kurdish (Kurmandji), Kurdish (Sorani), Mandarin, Polish, Portuguese, Punjabi, Russian, Serbo-Croatian, Somali, Spanish, Tamil, Tigringa, Turkish, Twi, Urdu, Vietnamese.
- From December 2001 the services will also be available in: Albanian, Czech, Finnish, French, German, Gujarati, Hungarian, Italian, Japanese, Ojibway, Ojicree¹, Tagalog and Ukrainian.
- The interpreter services are available on a 24-hour basis.
- Services are provided on site (anticipate a 2 hour turnaround time) and via a three-way telephone connection.
- The service also provides message relays in the victim's language.

¹ Service in this language is provided on site in Kenora and Thunder Bay and by telephone in other areas of the province.

Role of Probation and Parole Officers

Role

- Assess the offender's suitability for community supervision
- Prepare court ordered and pre-parole reports, and make recommendations for conditions that will assist in the supervision and address issues contributing to the offender's criminal behaviour.
- Supervise probationers, parolees and conditional sentence offenders in the community.
- Enforce probation/conditional sentence orders and parole certificates
- Immediately advise the police and the Ontario Board of Parole (if applicable) of new allegations of abuse by the offender.
- Attend court as requested.
- Contact victims to:
 - explain the role of the probation and parole officer in supervising the victim's partner and in enforcing the conditions of any court orders/parole certificates;
 - receive information about the offender to assist in supervision;
 - explain the limits to confidentiality of information a victim provides; and
 - refer the victim to support services in the community.
- Liaise with service providers, community correctional stakeholders, justice partners and the public.

Domestic Violence Court Advisory Committees

- Participate on the local Domestic Violence Court Advisory Committee, using it as the forum in which to raise and to discuss issues of implementation and the operation of the domestic violence court program. This will serve to better coordinate services to victims and keep community partners informed.

- Maintain open dialogue with community agencies to build mutual understanding.
- In some communities French language resources may be scarce, so an effort should be made to identify them for future reference.
- Exchange relevant information with members of the Domestic Violence Court Advisory Committee as it relates to victims of domestic violence and victim safety (subject to confidentiality restrictions).

Please Note

- The probation and parole officer cannot release information about the offender's progress or participation in programming.
- Probation and parole officers do not normally have a role in the early intervention model unless the offender is already on supervision or is subsequently sentenced to a period of probation.
- Victims who provide information to probation officers are cautioned that the information and its source may be disclosed to the offender under the *Freedom of Information and Protection of Privacy Act*. If the victim is apprehensive about this potential for disclosure, the officer will designate the information as confidential which provides a much greater probability, although no guarantee, that it will not be disclosed at a later date through a Freedom of Information request.
- Information that can be provided to the victim about an adult offender includes:
 - Whether or not the offender is in custody.
 - Whether or not the offender is on probation, parole order or conditional sentence.
 - The parole eligibility date.
 - Standard conditions of the probation or conditional sentence order, or parole certificate.
 - Whether parole has been suspended or revoked.
 - Additional conditions which specifically name the victim (e.g., non-association).
 - The general geographic area of release from custody.

Resources

- A. Sample Terms of Reference for Domestic Violence Court Advisory Committee
- B. French Language Services
- C. Hospital-Based Domestic Violence Pilot Programme
- D. Victim Support Line Fact Sheet

Resources

Sample Terms of Reference for the Domestic Violence Court Advisory Committee

Purpose

The purpose of this committee is to:

- Facilitate the effective implementation and ongoing effective operation of the specialized domestic violence court (DVC) program.
- Provide an accountability mechanism for the membership in relation to the implementation and effective operation of the DVC program.
- Provide a forum for information-sharing, process review and problem-solving with specific emphasis on the implementation and effective operation of the DVC program.
- Promote a coordinated, effective justice response to domestic violence cases in both languages within the broader community by maintaining intersectoral links to other community sectors that may or may not provide direct services within a justice context.

Note: Large DVC sites have established a separate DVC Advisory Committee apart from the Local Coordinating Committee involving the key stakeholders responsible for the implementation process. In medium and small DVC sites, where membership on the local coordinating committee may not be as high, a separate DVC Advisory Committee may not be necessary. Implementation issues might be discussed as part of the Coordinating Committee structure.

Declaration of Commitment

- The undersigned are committed to implementing and abiding by the mutually agreed upon terms of reference. The undersigned also commit to reviewing and revising the terms of reference as may be necessary on a regular basis.

- The undersigned agree to respect the opinions of all members, to participate in good faith and trust, and to give all members equal opportunity to express their views and concerns.

(Include signatures for all member organizations)

Dates of signatures

Mandate

The work of the committee will include:

- Facilitating implementation of the specialized domestic violence court program.
- Monitoring processes and identifying gaps and problems in the justice community's response to domestic violence.
- Developing and implementing policies, procedures and protocols.
- Effectively communicating amongst participating agencies.
- Working with other sectors within the community to promote a coordinated, effective response to domestic violence cases.
- Consulting with other DVC Advisory Committees to promote consistency and the sharing of best practices.
- Where appropriate, reviewing and analyzing specific cases of domestic violence for the purpose of improving the justice response to domestic violence cases.
- Identifying vulnerable areas for accessibility to the program in the French language and ensuring mechanisms are established to meet needs.

Membership

The following membership is recommended under the DVC program model:

- Crown
- Victim/Witness Assistance Program
- Court Services
- Police
- Probation and Parole
- Partner Assault Response Program agency (ies)

- Interpreter Agency (ies)
- Sexual Assault Treatment Centre Domestic Violence Coordinator
- At least one representative from the violence against women sector as a representative of the broader Community Coordinating Committee

It is recommended that close linkages be maintained with the following:

- Judiciary
- Duty counsel
- Defence bar
- Regional coroners
- Community-based support/advocacy agencies (Francophone, Aboriginal and multi-cultural/racial minorities)
- Children's Aid Society

Problem Resolution

- Issues that affect the effective implementation and ongoing operation of the domestic violence court program will be brought to the Domestic Violence Court Advisory Committee and resolved collaboratively.
- Where it appears there is overlap between other community groups and the DVC Advisory Committee, all committees will work collaboratively to effectively coordinate their functions to avoid duplication and minimize gaps in service delivery.

Structure

- Domestic Violence Court Advisory Committees will determine their own structure and rules of operation:
 - How will decisions be made (consensus, majority vote, other)
 - How will the Committee Chair be selected? Will it be a rotational duty?
 - How often will the committee meet?
- Clerical and administrative support for the work of the DVC Advisory Committee will be provided by the Crown Attorney and the V/WAP Manager.

Confidentiality

- The DVC Advisory Committee's members will act within the statutory and regulatory requirements by which they are bound.
- The statutory and regulatory requirements relating to the protection of privacy issues will be respected in any process or policy undertaken by the DVC Advisory Committee or its member organizations.

Resources

French Language Services (FLS)

Background

Ontario's citizens have the legal right to services in either of the official languages of the courts, English or French.

These French language rights are guaranteed under the following statutes:

The Criminal Code of Canada (Federal Law)

- In all parts of Canada, criminal matters may be heard in French or English.
- The defendant's legal right to have a hearing conducted in French or English applies to all types of court hearings — not just trials.

The Courts of Justice Act (Provincial Law)

- English and French are the official languages of the courts in all areas of Ontario.
- French-speaking accused persons have the right to have the case heard in French. This right applies to any hearing — not just trials.
- The judge, the Crown and members of the jury, must be French-speaking in a bilingual proceeding.

The French Language Services Act (Provincial Law)

- A French-speaking person has the right to receive services in French when dealing with head offices of Ministries, and agencies of the Government of Ontario.
- Ministry offices that are located in or serving the 23 designated areas must also offer services in French.

- Some institutions are covered, such as residential facilities (jails), when designated by the regulations.
- The onus is on the Ministry or government agency to offer services in French, not on the public to request them.
- All clients should be made aware of the availability of services in French through signs, bilingual telephone greetings, and French-speaking staff in strategic locations.

Responsibility

The Government of Ontario must ensure these rights are not compromised, and that French language services are provided without prejudice or detriment to the requesting party or his or her case.

The Office of the Coordinator of French Language Services (OCFLS) can assist by:

- Providing advice in the provision of French language services
- Advising on French language service requirements
- Helping to identify community resources capable of assisting justice partners to determine effective quality service in French
- Assisting in developing French language service plans to ensure both victims and offenders receive services in French.
- Assisting in identifying strategic access points in the justice process to ensure French language services are properly planned.
- Assisting in developing alternate intervention programs where required that meet the needs of the Francophone community.

Limitations

The Office of the Coordinator of French Language Services is not a direct service provider that can take the place of other Ministry or agency program areas.

Resources

Hospital-Based Domestic Violence Pilot Program

Overview

- Domestic Violence (DV) Pilot Programs are located in some hospital-based Sexual Assault Treatment Centres (SATCs) and provide a 24-hour a day specialized team of nurses and physicians trained to address the needs of victims experiencing abuse.
- The Pilot Program is intended to:
 - Improve the quality of care for victims of partner abuse;
 - Enhance the safety of victims and children who are experiencing domestic violence;
 - Assist in breaking the cycle of partner abuse; and
 - Assist in the criminal prosecution of partner abuse cases by providing documentation of injuries.
- Services provided include:
 - Medical treatment and documentation of forensic evidence (including photography of injuries);
 - Crisis support and information;
 - Assistance in safety planning; and
 - Referrals to other community services.

Role of Service Providers

- When a domestic violence case is identified by the victim, by the police or through screening in the Emergency Room of a hospital, providing the client agrees, an on-call DV nurse is paged.
- A DV nurse arrives within 30 – 45 minutes, explains his or her role and establishes a safe, non-judgmental environment in which to communicate.

- The nurse assesses the immediate concerns of the client (e.g. child care, safety, etc.) and gathers medical information about the client's condition from the ER staff.
- French-speaking victims are identified and offered services in French as required.
- The need for an interpreter is assessed and arrangements are made if necessary.
- The client gets medical clearance from ER (injuries treated, etc.).
- The nurse provides the client with information to assist the client in making choices (e.g. implications of police involvement, purposes of documentation, process of documentation, etc.).
- The DV nurse will then proceed with the following:
 - Detailed medical documentation on standarized forms;
 - Photography of the injuries in the ER with follow-up photographs taken 24 hours later when bruising may be more apparent;
 - Risk assessment and management;
 - Safety-planning;
 - Immediate needs assessment (shelter, counselling, childcare, housing, financial, etc.);
 - Transportation arrangements if required; and
 - Scheduling of a follow-up appointment.

Role of Domestic Violence Program Coordinator in Community

- Work closely with other service providers in the social and justice sectors to develop an effective mechanism and protocols for an integrated community response to domestic violence. This includes maintaining an inventory of French language resources in order to assist French-speaking victims.
- Ensure that content and timing of completion of documentation meets needs of justice system.
- Provide education and outreach to ER personnel and other areas of the Hospital.
- Provide outreach and education to community partners including shelters, counselling agencies, police and French-language violence against women agencies.

- Provide linkage to Domestic Violence Community Coordinating Committee.
- Training of on-call SATC nurses on issues of domestic violence.

Resources

Victim Support Line: Fact Sheet

VICTIM SUPPORT LINE

FACT SHEET

- The *Victim Support Line (VSL)* is a province wide toll-free information line providing a range of services to victims of crime. It has four components:

Victim Notification System

Keeps victims informed about the status and scheduled release of provincially sentenced offenders.

- The victim calls 1-888-579-2888, in Toronto 314-2447. Victims are asked to leave a message, name and telephone number, and will be contacted the next business day by a corrections staff person.
- When the call is returned, the victim is provided with available information about the present status of the offender and then given the option of registering with the system. Registered victims receive automated voice messages by phone any time there is a change in the status of the offender.
- **Information includes:** escapes or failures to return from leave; parole hearing dates and decisions to release on parole or deny parole; temporary absences; any change in a scheduled release date; and/or readmission to a provincial institution or transfer to other jurisdiction.
- If the offender is under a form of community supervision, the victim can be given the name and phone number of the supervising probation/parole officer to assist with any concerns.

Concern about Release of the Offender

Victims can submit information to correctional personnel or the Ontario Board of Parole

about **any concerns** they might have with regard to release of the offender. They are directed how, and to whom, information should be submitted. This information is considered when making release decisions about the offender.

Supports and Services

Connects victims directly to an information counsellor who can refer them to the services in their community that can help them overcome the impact of crime. This includes counselling and other supportive services.

The Justice System

Provides access to recorded information about how the Criminal Justice System works. This helps victims familiarize themselves with the Justice system and lets them review information at their own pace.

The VSL cannot provide:

Information about **Young Offenders** because of limitations imposed by the protection of privacy under the Young Offenders

Act. Victims requiring information about Young Offenders should speak to the police officer in charge of the case or to the Crown Attorney.

- **Up to date information on bail releases.** Correctional facilities do not know about bail releases until the end of the court day, when offenders are returned (or not returned) to the institution. Victims may register for notification but must remember that the information is not immediate.

OFFENDER INFORMATION AVAILABLE TO PUBLIC

- Current charges/convictions (not any previous charges).
- Whether or not an offender is on probation, conditional sentence or parole.
- Whether or not an offender is an inmate (sentenced, remand, federal inmate or immigration detainee) in a provincial institution.
- The parole eligibility date and the fact that the offender will be considered for parole before that date if the sentence is six months or more.
- Whether the offender has applied for and been granted or denied a parole hearing if the sentence is less than six months.
- Whether or not the offender has been granted parole and the date of release.
- Whether parole has been suspended and then terminated, revoked or continued.
- The fact that an offender may apply for an unescorted Temporary Absence pass at any time during their term of incarceration.
- Whether or not the offender has been granted an unescorted Temporary Absence pass and the date of release.
- The standard conditions of the probation order, conditional sentence order, parole certificate or Temporary Absence Program agreement, as well as all conditions that pertain directly to the victim e.g. non-association condition.
- The name and phone number of the supervising Probation/Parole Officer.

- The release date from custody.
- The general geographic area of release.
- The final warrant expiry date.
- Whether the offender has escaped or is unlawfully at large and recaptured.

OFFENDER INFORMATION WHICH CANNOT BE RELEASED INCLUDES:

- Institution where offender is currently located.
- Program information (i.e. participation or progress).
- Address on release (only geographical area).
- Behavioral information of offender.

HOW THE VICTIM NOTIFICATION SYSTEM WORKS

- The system works by scanning the Offender Tracking Information System (OTIS) every 10 minutes for any changes in an offender's release status.
- It provides registrants with automated telephone notification of changes in an offender's release status, specifically *parole hearing dates; parole decisions; escapes; recaptures; unescorted temporary passes and releases at sentence completion*.
- It is sentence specific, in other words, it is related to a specific offence or group of offences, including probation following incarceration.
- When there is a notification, the system telephones the registrant every ½ hour for 72 hours until the registrant is successfully contacted.
- The system does not call between 11:30 p.m. and 6:30 a.m.
- If someone answers the telephone and does not enter the Personal Identification Number (PIN) that the caller selected upon registration, the notification cannot be heard. When this happens, or if an answering machine picks up, the system will start calling every two hours instead of every ½ hour.
- The system recognizes the registrant by the PIN.
- If after 72 hours, the registrant has not been successfully contacted, we are aware by an extensive reconciliation process. We then, depending on the circumstances, reset the system to call again over 72 hours, or attempt to notify the registrant manually.
- It is *essential* to the system that the registrant keep us up-to-date with a current telephone number or advise us if they will be away from the telephone number for more than three days.
- Notification can be stopped at the request of the registrant by calling back to 1-888-579-2888.
- Registrants may call the Victim Support Line and select ***OPTION 4*** to hear any outstanding/undelivered notifications. They will be prompted to enter their area code, telephone number and PIN to hear the notification. ***IMPORTANT:*** registrants must enter the telephone number with which they registered.

NOTE: For safety/security reasons recorded message to registrant is vague. We advise registrants that this measure is put in place so that if a child/neighbour, etc. answers the phone, they will not know nature of call. If necessary, it can be simply explained as a "Sears/Zellers or Courier Service" notification.

Message heard upon answering telephone is as follows:

"Hello. As was requested, a notification is now available. To hear the notice, please enter your four digit personal identification number followed by the pound sign now."

Message will not be released until this process is followed.

Questions and Answers

What are domestic violence courts?

The use of the term “domestic violence court” is a simple way for the government to describe to the public a specialized *process* for domestic violence cases during the investigation and prosecution stages of the criminal justice system. The domestic violence court program is designed to provide better support to victims, intervene early in domestic abuse situations, to more effectively prosecute these cases, and to hold offenders accountable if they are found guilty.

How do we know the domestic violence court program works?

Ministry of the Attorney General monitoring in 2000 found:

- domestic violence cases move through the justice system faster. The average time for domestic violence cases at domestic violence court sites, from the first appearance to the conclusion of the case, is 149 days. This compares to an average of 188 days for all types of criminal court cases in the province;
- the guilty plea rate in domestic violence court sites for all domestic violence cases averages 60% compared to 54% before the domestic violence court program was implemented.

A Toronto-based study conducted by the Woman Abuse Council of the first two domestic violence court sites found that:

- Crown attorneys were more able to successfully prosecute domestic violence cases;
- Lower rates of withdrawals, dismissals and peace bonds;
- Higher rates of guilty verdicts;
- Higher rates of victims attending court; and
- The domestic violence courts make a difference by providing a more coordinated and consistent response to abuse that better protects women.

Does the domestic violence court program affect judicial authority?

No. The judiciary retains all existing statutory and common law authority. The accused will continue to benefit from all existing *Charter* rights and the Crown will continue to assess the merits of a domestic violence prosecution to the same standard as all other prosecutions. In some cases where the accused pleads guilty early and attends a Partner Assault Response program, the Crown and Defense may make a joint recommendation for the justice to consider. However, the discretion to accept or reject the recommendation continues to rest with the justice.

Will the domestic violence court program add to the case backlog in some large sites?

Research has shown that the domestic violence court program can reduce case processing time. Savings in court time resulting from guilty pleas can be used to offset any potential increase in trial time resulting from enhanced evidence techniques.

How are domestic violence cases prosecuted more effectively in domestic violence court site?

A key tool in prosecuting domestic violence cases is evidence other than the victim's statement. In the domestic violence court model, additional evidence is collected by police. This can include 911 tapes, medical reports, photographs of injuries or the scene of the crime, interviews with family members and neighbours, and audio- or videotaped victim statements. Prosecutors can use this evidence to proceed with the cases, particularly if victims recant their statement or fail to attend court.

How are victims of domestic violence better served by the domestic violence court program?

Victim/Witness Assistance Program staff contact victims soon after the police lay a charge and encourage them to meet with V/WAP staff and the Crown. Because victims are often in significant emotional distress, are confused about what is happening, and are intimidated by courts and the judicial system, V/WAP staff and language interpreters are available to help them get the information and assistance they need. For example, victims can be referred to community agencies and services that can provide help.

What is the purpose of the Partner Assault Response (PAR) programs in domestic violence courts?

The purpose of these programs is to intervene early enough in violent domestic situations so that cyclical, long-term, abusive domestic relationships can be corrected. With the victim's consent, Partner Assault Response program staff also maintain contact with the victim while the client is in the program to improve the victim's safety by providing outreach and support, assistance with safety planning, referrals to other community agencies and information about the PAR program, including feedback on the offender's compliance with the program.

PAR programs are not anger management programs. Abusive partners use violence to exert power and control over their victims. The control can take many forms, including psychological, financial and physical, and the abuse can be both verbal and physical. Anger management programs do not address the purposeful exercise of power and control over victims. In addition, anger management programs do not contact and provide outreach to the victim, which is an integral part of the domestic violence court PAR programming.

The Partner Assault Response programs are delivered by a variety of community-based agencies. They are funded and administered by the Ministry of the Attorney General.

Is the specialized domestic violence court program biased in favour of victims?

The specialized program does not change or impact the rights of the accused. The program focuses on effective prosecution through improved evidence gathering techniques, faster access to the justice system, increased support for victims, and early intervention counseling for offenders.

News Releases and Fact Sheets

News Release

Communiqué



Ontario

Ministry of the Attorney General
Ministère du Procureur général

January 25, 2000

HARRIS GOVERNMENT STRENGTHENS SUPPORT TO VICTIMS BY DOUBLING DOMESTIC VIOLENCE COURTS

TORONTO – To better support victims and hold abusers accountable, the Ontario government is doubling the number of domestic violence courts from 8 to 16 across the province. Services at the existing sites will also be enhanced. Attorney General Jim Flaherty and Minister Responsible for Women's Issues Helen Johns made the announcement today at the Old City Hall courthouse in Toronto. The \$10 million annual investment in community safety keeps a promise made in the government's *Blueprint*.

“People must be safe and feel safe on the streets, in their neighbourhoods and above all in their homes,” said the Attorney General. “The expansion of domestic violence courts makes it clear that our government supports victims and expects abusers to be held accountable for their actions. It means that more victims of domestic violence across the province will receive the help they need.”

All 16 domestic violence court programs, created under the Harris government, will offer a broad range of coordinated services. This includes:

- referring first-time offenders to intensive counselling through Partner Assault Response programs;
- specialized investigations to obtain evidence;
- more effective prosecution of repeat offenders and incidents involving serious injuries and;
- support services for victims through the Victim/ Witness Assistance Program.

The eight new domestic violence courts will be located in Barrie, Kitchener, Newmarket, Sudbury, Windsor, Etobicoke, Scarborough and College Park in Toronto. Domestic violence courts already exist in Brampton, Hamilton, London, North Bay, Oshawa, Ottawa, and two in Toronto, at Old City Hall and in North York.

"Doubling the number of domestic violence courts is a major step in our government's plan to support victims of domestic abuse," said Johns. "Today's announcement builds on our government's strategy to help victims throughout Ontario. Our commitment of more than \$100 million annually supports more than 40 programs to prevent violence against women."

"Domestic violence courts have proven to be an effective way of providing a more coordinated and consistent response to abuse," said Vivien Green, Coordinator, Woman Abuse Council of Toronto. The Council conducted a Court Watch survey in July 1999 to assess the effectiveness of domestic violence court sites. She added, "We believe expansion of these courts is an important component of better protecting abused women and their children."

The expansion, to take place this year, builds on the success of the existing program, which is already the largest of its kind in Canada. It is part of a provincial strategy to improve the justice system's response to domestic violence, in partnership with local communities. Other improvements to justice services include new guidelines for police response to domestic violence and an additional \$8 million annually so that Crown attorneys can spend more time with victims and witnesses during the preparation of cases.

"Our government is proud of the actions we have taken to bring justice and support to victims," said Flaherty.

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Ce document est aussi disponible en français.

Fact Sheet

Feuille d'information



Ministry
of the
Attorney General

Ministère
du Procureur
général

January 25, 2000

DOMESTIC VIOLENCE COURT EXPANSION

Domestic violence is a serious crime and will not be tolerated in Ontario. That is why the government of Ontario is expanding what is already the largest domestic violence court program in Canada to address this complex social issue.

Expansion Builds on Success of Existing Court Program

- The number of domestic violence courts will be doubled from 8 to 16. \$10 million will be spent annually on the new domestic violence courts and to improve services in Ontario's eight existing domestic violence courts.
- New domestic violence courts will be located in:
 - Barrie
 - Kitchener
 - Newmarket
 - Sudbury
 - Windsor
 - Toronto
 - downtown at College Park
 - Etobicoke and
 - Scarborough
- Existing domestic violence courts are located in:
 - Brampton
 - Hamilton
 - London
 - North Bay
 - Oshawa
 - Ottawa
 - Toronto
 - at Old City Hall and
 - North York

Domestic Violence Courts Serve Victims Better

In domestic violence courts, priority is given to the safety and needs of domestic assault victims and their children. The courts are comprised of teams of specialized personnel, including police, Crown attorneys, Victim/Witness Assistance Program staff, probation services, Partner Assault Response staff and community agencies and programs. This results in more effective prosecutions and better coordination of services that are tailored to the needs of victims.

Improved Services

Currently, the domestic violence courts focus on one of two approaches, which will be "blended" so that all 16 courts provide both services. This will result in a more consistent and comprehensive approach to domestic violence cases.

- *Early intervention through referral to counselling:* First-time offenders, who have caused no significant injuries, have not used weapons, and who plead guilty, are referred to Partner Assault Response programs. Victims are consulted about this arrangement and offenders must complete the counselling program to the court's satisfaction. If the offender does not complete the program or re-offends during it, a new charge is laid. The program holds offenders accountable for their actions, intervenes early in the violence cycle and provides a range of supports to victims.
- *More effective prosecution:* When the offender is involved in repeat offences or inflicts serious injury, the focus is on prosecution. Enhanced evidence-gathering techniques, including 911 tapes, medical reports and videotaped victim statements are used by specially trained police. Crown attorneys trained and dedicated to prosecuting domestic violence cases are assigned. Victims receive support and information throughout the court process from Victim/Witness Assistance Program staff, and cases are dealt with in a timely manner through the courts.

Province-wide Initiatives

Expansion of the domestic violence courts is part of a comprehensive strategy to support victims and improve the justice system's response to domestic violence.

Other initiatives, either underway or to begin this month, include:

- an additional \$8 million annually so that Crown attorneys have more time to meet with victims and witnesses to prepare cases;
- new guidelines for police response to domestic violence, including guidelines for enhanced police investigation and response to domestic violence occurrences, victim assistance, bail, breach of court orders, criminal harassment and firearms;
- new training for police officers; and
- a new protocol which directs probation and parole officers to actively seek victim input and safety concerns for pre-sentence and pre-parole reports. This information will also help guide the assessment and supervision of offenders who are on probation, provincial parole or are serving a conditional sentence in their community.

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News Release

Communiqué



Ministry of the
Attorney General

Ministère du
Procureur général

For Immediate Release
May 25, 2001

MORE COMMUNITIES TO BENEFIT FROM EXPANSION OF PROVINCIAL PROGRAMS TO SUPPORT VICTIMS AND HELP FAMILIES

TORONTO — Eight new communities will benefit from the expansion of the domestic violence court program and seven community-based organizations have been selected to provide services for the government's expanded Supervised Access Program, Attorney General David Young announced today.

"The expansion of these programs demonstrates our government's ongoing commitment to increase access to services," said Young. "These important programs are part of a range of initiatives to support victims and help families."

The domestic violence court program expansion will occur in Belleville, Kingston, l'Orignal, Milton, Owen Sound, St. Catharines, Stratford, and Woodstock.

Created in 1996 under the Harris government, the domestic violence court program offers a range of coordinated services tailored to the needs of victims. In a domestic violence court site, teams of specialized personnel, including police, Crown Attorneys, Victim/Witness Assistance Program staff, probation services, Partner Assault Response service providers and community agencies, work together to ensure priority is given to the safety and needs of victims of domestic violence and their children.

The expansion builds on the success of the existing domestic violence court program, which is already the largest of its kind in Canada. It is part of the government's comprehensive strategy to help combat domestic violence.

"People must be safe and feel safe in their homes and in their communities," said Young. "The expansion of these two important programs will ensure that more people get the assistance they need and deserve."

The Supervised Access Program was first expanded in 1999 from 14 to 36 locations. The present expansion will take place over two years. A total of 77 locations will be providing service once the expansion is complete. This exceeds the government's promise to expand the number of sites to 54.

The following community-based organizations have been selected to provide Supervised Access services through a competitive process announced in February 2001:

- Access for Parents and Children in Ontario - Toronto Region
- Patricia Centre for Children and Youth - District of Kenora
- Merrymount Children's Centre - Elgin County
- Merrymount Children's Centre - Oxford County
- Family and Children's Services of the County of Renfrew- Renfrew County
- Dufferin Child and Family Services - Dufferin County
- The Emily Murphy Centre - Perth County

Supervised Access Centres provide safe, neutral, child-focussed settings for visits and exchanges between children and their non-custodial parents or other adult relatives. This expansion will ensure that more families across the province have access to this important service.

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Disponible en français.

For more information visit www.attorneygeneral.jus.gov.on.ca

Fact Sheet

Feuille d'information



Ministry of the
Attorney General

Ministère du
Procureur général

May 25, 2001

EXPANSION OF DOMESTIC VIOLENCE COURTS

Domestic violence is a serious crime that will not be tolerated in Ontario. One of the ways the government of Ontario is addressing this complex social issue is by further expanding Canada's largest domestic violence court program.

Expansion Across Ontario Builds on Success of Existing Program

- In 2001/02, domestic violence courts will be located in Belleville, Kingston, L'Orignal, Milton, Owen Sound, St. Catharines, Stratford and Woodstock..
- Domestic violence courts currently exist in: Barrie, Brampton, Hamilton, Kitchener, London, North Bay, Ottawa, Oshawa, Sudbury, Windsor and in Toronto downtown at College Park, Etobicoke, North York, Old City Hall and Scarborough. The domestic violence court program in Newmarket will be operational by the end of December 2001.
- The expansion of domestic violence courts is a \$10 million annual investment in the safety of victims.

Domestic Violence Courts Services

In domestic violence courts, priority is given to the safety and needs of domestic assault victims and their children. The program involves teams of specialized personnel, including police, Crown attorneys, Victim/Witness Assistance Program staff, probation services, offender counselling staff and cultural interpreters who work together, to better coordinate services that are tailored to the needs of victims.

Domestic violence courts provide two approaches to domestic violence cases.

- *Early intervention and counselling:* First-time offenders, who have caused no significant injuries, have not used weapons, and who plead guilty, are held accountable through referral to counselling in the Partner Assault Response program, which is a specialized domestic violence intervention program. The program provides an opportunity for abusers to learn non-abusive ways of resolving conflict. The victim is consulted about this arrangement. Offenders must complete the counselling program to the court's satisfaction and as a condition of bail prior to sentencing. If the offender does not complete the program or re-offends during it, new charges are laid.

- *Coordinated Prosecution:* When the offender is involved in repeat offences or inflicts serious injury, the focus is on prosecution. Specially trained police use enhanced evidence-gathering techniques, including 911 tapes, medical reports and videotaped victim statements. Crown attorneys trained in prosecuting domestic violence cases are assigned and cases move through the courts in a timely manner.
- *Support for Victims:* Victims receive support and information throughout the court process from Victim/Witness Assistance Program staff and from the Partner Assault Response program, while the offender is involved in that program.

Other Province-wide Initiatives

Expansion of the domestic violence courts is part of a comprehensive strategy to support victims and improve the justice system's response to domestic violence.

Other initiatives include:

- an additional \$8 million annually so that Crown attorneys have more time to meet with victims and witnesses to prepare cases;
- guidelines that came into effect January 1, 2001, for police response to domestic violence, including guidelines for enhanced police investigation and response to domestic violence occurrences, victim assistance, bail, breach of court orders, criminal harassment and firearms;
- training for police officers on the guidelines and tools to assist in identifying risk factors in domestic violence occurrences; and
- a protocol that directs probation and parole officers to actively seek victim input and safety concerns for pre-sentence and pre-parole reports. This information will also help guide the assessment and supervision of offenders who are on probation, provincial parole or are serving a conditional sentence in their community.

- 30 -

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News Release Communiqué



Ontario

Ministry of the
Attorney General

Ministère du
Procureur général

For Immediate Release
September 14, 2001

HARRIS GOVERNMENT EXPANDING DOMESTIC VIOLENCE COURTS PROVINCE-WIDE

TORONTO — The Ontario government is creating 31 new domestic violence courts, ensuring province-wide access to better support victims and hold abusers accountable, Attorney General David Young announced today.

“We are continuing our efforts to ensure that victims of domestic violence, throughout the province, have access to the specialized support and assistance they need,” said Young. “This program is an essential part of fighting domestic violence and protecting those who experience it.”

The three-year expansion will bring the total number of sites to 55. The new domestic violence court sites will be located in: Brantford, Bracebridge, Brockville, Cayuga, Chatham, Cobourg, Cornwall, Dryden, Fort Frances, Goderich, Gore Bay, Guelph, Haileybury, Kapuskasing, Kenora, Lindsay, Napanee, Orangeville, Parry Sound, Pembroke, Perth, Peterborough, Picton, Sarnia, Sault Ste. Marie, Simcoe, St. Thomas, Thunder Bay, Timmins, Walkerton and Welland.

The Harris government introduced the specialized domestic violence court program in 1996 to offer victims a range of coordinated services, including specialized investigations by the police to obtain evidence; prosecution of repeat offenders by specialized Crown attorneys; and support services for victims through the Victim/Witness Assistance Program.

“Domestic violence is a serious crime that demands serious action,” said Young. “In the past five years, Ontario has developed the largest, most comprehensive domestic violence court program in the country.”

Today’s announcement launches the government’s second expansion of domestic violence courts this year – a \$10 million annual investment. Earlier this year, the domestic violence court program was expanded from 16 to 24 locations to better serve communities across the province as part of the government’s strategy to combat domestic violence.

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Fact Sheet

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Ministry of the
Attorney General

Ministère du
Procureur général

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PROVINCE-WIDE EXPANSION OF DOMESTIC VIOLENCE COURTS

Domestic violence is a serious crime that will not be tolerated in Ontario. One of the ways the government of Ontario is addressing this complex social issue is by expanding the domestic violence court program throughout Ontario over the next three years. Ontario's domestic violence court program is the largest of its kind in Canada.

Expansion Across Ontario

- The province will be creating new domestic violence courts in the following 31 locations: Brantford, Bracebridge, Brockville, Cayuga, Chatham, Cobourg, Cornwall, Dryden, Fort Frances, Goderich, Gore Bay, Guelph, Haileybury, Kapuskasing, Kenora, Lindsay, Napanee, Orangeville, Parry Sound, Pembroke, Perth, Peterborough, Picton, Sarnia, Sault Ste. Marie, Simcoe, St. Thomas, Thunder Bay, Timmins, Walkerton and Welland.
- In May the Ontario government announced that an additional eight locations would be added to the existing 16. Over the next year domestic violence courts will open in Belleville, Kingston, L'Orignal, Halton, Owen Sound, St. Catharines, Stratford and Woodstock.
- Domestic violence courts currently exist in: Barrie, Brampton, Hamilton, Kitchener, London, North Bay, Ottawa, Oshawa, Sudbury, Windsor and in Toronto downtown at College Park, Etobicoke, North York, Old City Hall and Scarborough. The domestic violence court program in Newmarket will be operational by the end of December 2001.
- The Ontario government is investing \$10 million annually to support the expansion of the domestic violence court program.
- By 2004, Ontario will have a total of 55 domestic violence courts.

Domestic Violence Courts Services

Domestic violence courts give priority to the safety and needs of domestic assault victims and their children. The program involves teams of specialized personnel, including police, Crown attorneys, Victim/Witness Assistance Program staff, probation services, offender counselling staff and cultural interpreters who work together to better coordinate services that are tailored to the needs of victims.

Domestic violence courts provide two approaches to domestic violence cases.

- *Early intervention and counselling:* First-time offenders, who have caused no significant injuries, have not used weapons, and who plead guilty, are held accountable through referral to counselling in the Partner Assault Response program, which is a specialized domestic violence intervention program. The program provides an opportunity for abusers to learn non-abusive ways of resolving conflict. The victim is consulted about this arrangement. Offenders must complete the counselling program to the court's satisfaction and as a condition of bail prior to sentencing. If the offender does not complete the program or re-offends during it, new charges are laid.
- *Coordinated Prosecution:* When the offender is involved in repeat offences or inflicts serious injury, the focus is on prosecution. Specially trained police use enhanced evidence-gathering techniques, including 911 tapes, medical reports and videotaped victim statements. Crown attorneys trained in prosecuting domestic violence cases are assigned and cases move through the courts in a timely manner.

Victims receive support and information throughout the court process from Victim/Witness Assistance Program staff and from the Partner Assault Response program, while the offender is involved in that program.

The expansion of the domestic violence court program throughout Ontario is part of the Harris government's comprehensive strategy to combat domestic violence by supporting victims and holding abusers accountable for their crimes.

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For more information visit www.attorneygeneral.jus.gov.on.ca

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